

CIVIL DIVISION
 DEPARTMENT OF STATE A/CDC/MR
 Department of Justice
 REVIEWED BY *[Signature]* DATE *10-30-88*
 Washington
 RDS ☐ or XDS ☐ EXT. DATE *October 7, 1957*
 TS AUTH. _____ REASON(S) _____
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 PA or FOL *Becker, Esq.*

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Legal Adviser
 Department of State
 Washington 25, D. C.

Re: Masatoshi Suzuki, et al. v. Tokyo Civilian Open Mess
 D. J. No. 163-12-1; Your Ref. L/E

Dear Mr. Becker:

611.944/10-12-57

I have and thank you for your letter of September 27, 1957, responding to our request for the negotiating history of Article XVIII, Paragraph 2, of the Treaty of Friendship, Commerce and Navigation with Japan. In view of the lack of any direct reference in the negotiation with Japan to this clause and the fact that the Japanese version, which is the official one for the purposes of this action, differs in substance from the English language version, we are instructing Japanese counsel to avoid discussion of the matter if at all possible and, if not, to argue its inapplicability as given in the Japanese version.

It had been my assumption that you were familiar with the underlying facts of this case as I was under the impression that our Embassy had been advised of it in the early stages. I enclose a copy of the opinion of the lower court which was rendered in default of any appearance by the United States. The case was referred to us after an appeal had been taken by the unsuccessful plaintiffs below and the issue on appeal is the sustaining of the holding of the lower court. Counsel anticipates that no decision will be reached in the matter for approximately a year.

I might point out that one unique feature of this particular litigation is the plaintiffs' demand for injunctive relief, requiring their reinstatement to the positions from which they were discharged. Please let me know if there is anything further you would like to have on this matter.

Sincerely,

Geo. S. Leonard

Geo. S. Leonard
 First Assistant

Enclosure

THIS DOCUMENT MUST BE RETURNED TO THE NE/R CENTRAL FILES

611.944/10-757

CS/W

611.944/10-757

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 Ann *[Signature]*
 Rev *[Signature]*
 Ch *[Signature]*